

Minutes
State Board of Social Services
Hanover LDSS-Ashland
February 19-20, 2003

Present

Debra Andrews, Chairman
Robert Spadaccini
Carol Ann Coryell-Wednesday only
Julie Christopher
Danny Brown
Mamie Locke
Maggi Luca

Absent

Jean Cobbs-due to family illness
Phillip Jones-due to inclement weather

Call to Order

The February regional meeting of the VA State Board of Social Services was called to order at 9:02 a.m., Vice-Chairman Robert Spadaccini presiding for Chairman Debra Andrews who was tied up in traffic.

Welcome & Introductions

Introductions and welcome was provided by Jane Clements, Central Regional Director. Donna Douglas-Hanover County LDSS Director welcomed the Board to Ashland. Local Directors Ben Owen-King William County, Sam Bush-Greenville Emporia, Sarah Snead-Chesterfield Colonial Heights, Byron Adkins-Charles City, Dr. Patton-Acting Director of Portsmouth DSS, and Steven Blythe-Eastern Regional Director were introduced. Bucky Stanley-Chairman Board of Hanover County DSS, Fred Adkins-Chairman of Board Charles City DSS were introduced and welcomed.

Announcements

Board members were invited to a luncheon in their honor at Randolph Macon College.

Regulation Update

Mr. Martin advised that as of February 18, the department has 87 regulations in place. Of that, 48 are currently in process:

- 35 are in the process of being repealed (28 of the repeals relate to old AFDC regulations that will be replaced by the new TANF regulation) and two of the repeals will be effective within the next 30 days.
- 12 are in the process of being amended.
- 1 is in the periodic review process
- 12 additional new regulations are in the process of being promulgated.

That totals 99 regulations and proposed regulations.

There are 4 regulations currently in public comment:

- 22 VAC 40-11, Public Participation Guidelines, proposed amendments, comment period ends April 11.
- 22 VAC 40-685, Virginia Energy Assistance Program-Home Energy Assistance Program, proposed new regulation, comment period ends April 11.
- 22 VAC 40-740, Adult Protective Services, notice of intended regulatory action to amend, comment period ends March 12.
- 22 VAC 40-910, General Provisions of Maintaining and Disclosing Confidential Information of Public Assistance and Social Services Records, proposed new regulation, comment period ends April 11.

Legislative Update

Mr. Martin advised they are dealing with 133 measures this year. Of those, 45 have the potential of passing. Of this amount, DSS has responsibility of 35. A copy of the legislative report was provided to members.

Action Items

Local Non-Deviating Local Social Services Agencies with Salary Range Maximum (s) that Exceed the State's Reimbursable Salary Range Maximum

Sally Blanchard-HR Director advised that compensation plans from Isle of Wight, Shenandoah, and Amherst had been received, requesting approval to exceed the State's reimbursable salary range maximum.

Discussion: None

ON MOTION DULY MADE (Mr. Spadaccini) and seconded (Ms. Coryell) moved to approve the requests from Isle of Wight, Shenandoah, and Amherst to exceed the State's Reimbursable Salary Range Maximum with the understanding that any compensation paid in excess of the State's reimbursable salary range maximum shall be paid wholly from the funds of such county or city and any federal funds that are available and appropriate for use. Motion carried with all in favor.

Portsmouth Department of Social Services Request to Obtain Local Jurisdiction of Personnel Services for Local Social Services Employees

Ms. Blanchard provided members with a copy of a letter from the Portsmouth City Manager C. W. McCoy, expressing their interest in pursuing approval of a jurisdiction-wide personnel plan at the direction of the former City Manager.

Discussion:

Mr. Spadaccini commended Portsmouth for addressing challenges being faced over the past two years. He stated he had not seen in the information accompanying this request, if it had been reviewed by the City Attorney. It was advised that the City Attorney had discussed this issue during a County Executive Session. Dr. Patton assured the Board that a letter of assurance from the City Attorney would be provided.

Mr. Spadaccini also noted that the self- analysis on local agency (page 13 of 13) was missing the date. Ms. Blanchard advised she would ensure it was signed and dated.

ON MOTION DULY MADE (Mr. Spadaccini) and seconded (Ms. Coryell) moved to approve Portsmouth request to obtain local jurisdiction of personnel services for local social services employees with the understanding that no state funds would be provided. Motion carried with all in favor.

Old Business (Moved forward from Thursday)

Local Agency Attorney Class Specifications

Mr. Martin asked the Board to withdraw this action presented at their December Board meeting. Since this issue was “left on the table” in December, there was no need for a motion to withdraw. This issue is considered withdrawn.

22 VAC 40-191-10-Background Checks for Child Welfare Agencies and
22 VAC 40-190-10 Regulation for Criminal Record Checks for Child Welfare Agencies-
Proposed New Regulation and Proposed Repeal.

Ms. Wenda Singer reviewed this regulation with the members. A copy of criminal convictions was provided to members.

Discussion:

Mr. Spadaccini questioned item number 3, dealing with stalking, being deleted in 18.2-59 as a barrier crime. Ms. Singer advised this was a mistake and would be put back.

Mr. Spadaccini stated that on page 7, felony stalking is a barrier crime. Ms. Singer advised this is contradictory because wording was not in sync during recodification— words and CODE numbers are now in sync.

Mr. Spadaccini questioned page 4 –item 18 of the Town hall document expanding the time period without penalty if applied for and not received. Mr. Spadaccini stated that this appears to be a “double-whammy” in that the time frame was extended and there would be no penalty if items were not returned timely.

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Ms. Singer confirmed there was a backlog with requests in the past, but has been improved. She advised that “timely” as listed on pages 25 and 26 is interpreted in CODE to be seven days. Mr. Spadaccini confirmed with Ms. Singer that delays are an exception and not the rule.

Mr. Spadaccini confirmed that staff can be contracted without repeated background checks as long as it is the same entity as indicated on page 5-third sentence under Issues.

Mr. Spadaccini asked who the two public comments were from (listed on page 30). Ms. Singer will email this information to Mr. Spadaccini.

Ms. Coryell thanked Ms. Singer and Ms. Dehetree for their assistance in answering questions she had on this regulation.

Ms. Luca referred to page 3-item 7 of the Town hall document and asked what defined a founded complaint. Ms. Sheil will provide a copy of 22 VAC 40-705-10 regulation, listing the information to Ms. Luca.

Mr. Brown asked for clarification on manslaughter barrier crime listed on page 3 of the Town hall document. Mr. Wilson advised there are different degrees of manslaughter—background checks refer to Voluntary Manslaughter.

ON MOTION DULY MADE (Mr. Brown) and seconded (Ms. Coryell) moved to approve the proposed regulatory package to establish 22 VAC 40-191-10-Background Checks for Child Welfare Agencies for publication in the Virginia Register subject to approval under the provisions of Executive Order 21 (2002) and approve the proposed regulatory package to repeal 22 VAC 40-190-10-Regulation for Criminal Record Checks for Child Welfare Agencies and approve the fiscal impact analysis for distribution to local boards of social services. Motion carried with all in favor.

22 VAC 40-220-10 Agency Placement Adoptions-Guiding Principles-Final Repeal

Ms. Cathleen Newbanks reviewed this regulation with the Board, asking them to approve the final repeal of the regulation.

Discussion:

Mr. Spadaccini advised that only two areas of conflict were outlined on page four.

Ms. Newbanks advised this was correct and will provide him a copy of the Broadcast.

ON MOTION DULY MADE (Ms. Coryell) and seconded (Ms. Luca) moved to approve the final repeal of 22 VAC 40-220-10 entitled Agency Placement Adoptions-Guiding Principles for publication in the Virginia Register subject to approval under the provisions of Executive Order 21 (2002) wit repeal effective 30 days after publication. Motion carried with all in favor.

22 VAC 40-293-10, Locality Groupings-Emergency

Mark Golden reviewed this regulation with the Board requesting they approve the emergency regulatory package for publication in the Virginia Register.

Discussion:

Mr. Spadaccini questioned why this regulation was coming before them 278 + days and in Emergency Form. Mr. Golden advised the department was still within their timeframe. Mr. Spadaccini agreed but also said this could be viewed as a sign of ineffectual administration within the Department for waiting so close to the 280 days to process the emergency regulation.

Mr. Golden advised this regulation was late due to numerous issues including Reauthorization of Welfare Reform, Director and City Manger moved to other positions, and no one forcing the issue. He advised the department will do a better job at getting regulations to the Board to avoid sending them through in Emergency Form.

Ms. Andrews asked what determined the three groupings. Mr. Golden advised this was established in 1984 based on a previous study. It is also based on housing costs as the primary driver.

Mr. Spadaccini confirmed with Mr. Golden that the regulation allows for a change from the housing identifier if needed.

ON MOTION DULY MADE (Ms. Coryell) and seconded (Mr. Spadaccini) moved to approve the emergency regulatory package 22 VAC 40-293-10 entitled Locality Groupings-Emergency for publication in the Virginia Register subject to approval under the provisions of Executive Order 21 (2002). Motion carried with all in favor.

22 VAC 40-293-10, Locality Groupings-Notice of Intended Regulatory Action

Mr. Golden reviewed this regulation with the members asking for their approval of the Notice of Intended Regulation Action for publication in the Virginia Register.

Discussion:

A copy of a Letter of Assurance on this proposed regulation was provided by the Office of the Attorney General.

ON MOTION DULY MADE (Mr. Spadaccini) and seconded (Ms. Coryell) moved to approve the Notice of Intended Regulation Action package for 22 VAC 40-293-10 entitled Locality Groupings for publication in the Virginia Register subject to approval under the provisions of Executive Order 21 (2002). Motion carried with all in favor.

Virginia Alliance of Social Work Practitioners Resolution

Ms. Andrews read a Resolution requesting March to be identified as Social Work Month, setting aside this month to celebrate the work and accomplishments of social workers across out nation. She advised that social workers and employment service workers in local agencies are an integral part of our social services deliver system.

ON MOTION DULY MADE (Ms. Coryell) and seconded (Mr. Brown) moved to approve the Resolution acknowledging the Month of March as Social Work Month, celebrating the work and accomplishments of social workers and employment service workers. Motion carried with all in favor.

Presentations

VCU Study

Ms. Rita Katzman advised that abuse/neglect cases leading to child fatalities concerns led to a study of the patterns of abuse and other variables that contribute to such tragedies in Virginia. Virginia Commonwealth University agreed to conduct the study at no cost the Virginia Department of Social Services.

The analysis found that child abuse and neglect fatalities were most common in infants and toddlers; most often occurred in families unknown to CPS; had a higher percentage of African-American children than any other populations; most often were perpetrated by males; and frequently co-related with domestic violence. A copy of this report was provided to members and is included in the formal copy of minutes housed at Central Office.

Mr. Spadaccini asked how data compares with tracking issues of families not known to the department—he thought many of the Eastern Region fatalities were known to the department. Ms. Katzman advised a report was provided to the Board at their December meeting indicating how data fluctuates. She will meet with Mr. Spadaccini during the break to discuss this further.

Ms. Christopher thanked Ms. Katzman, commending her on a job well-done and for working with VCU on this study.

Mr. Spadaccini requested and approval was given to list the Child Fatality Report on every Board meeting agenda.

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Ms. Coryell questioned the high fatality numbers in Eastern and Western Regions and reiterated the need to have this report reviewed at every Board meeting.

Commissioners Comments

Commissioner Maurice Jones provided the members with a summary on the budget and upcoming reductions. He advised that the net change in 03-04 will equal \$8 million programmatic dollars and 35-70 positions will be eliminated.

Mr. Spadaccini mentioned the 1995 Buyout and asked if a program such as this will be an option. Commissioner Jones advised that WTA is an option for some employees and would elaborate on this and the budget at the Board's April meeting.

Public Comment

Leon Brooks, resident of King William and President of the NAACP in King William and West Point advised he was looking for funds for these low-income communities.

R. Neal Siler, pastor of Chickahominy Baptist Church spoke on funding sources and efforts to provide better services to children in school.

Mr. Spadaccini advised he should have dialogue with the local school board and inquire what initiatives were available.

Deputy Commissioner Jean Sheil advised she will speak to Pastor Siler on how to be included on RFP lists. She also stated the Governor has a "pass initiative" for troubled students.

Mr. Brown also stated that a dialogue with local school board is helpful—his school board has formed partnerships with locals.

Ms. Donna Douglas provided a listing of local ministers that could be contacted in Hanover County.

Rufus Adkins, pastor, commented that TANF dollars will no longer be allocated through the General Assembly but will now be done through the VDSS.

He shared his concerns that these funds stop in Richmond and are not being shared statewide, mentioning funds that went to VCU and not UVA-Wise.

It was suggested having "Allocation of TANF funds" as an agenda item in April.

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Ms. Sheil shared Mr. Adkins concerns and advised that Commissioner Jones is reviewing how TANF funds are being spent. They will be happy to update the Board at the April meeting. She mentioned there is a committee watching what will happen at the federal level with TANF reauthorization. She advised that specific plans should be available in the summer. Ms. Andrews will consider naming a Board member to serve on this committee.

Child and Family Services Review

Linda Booth provided a presentation and packet of information to members, updating them on the committee's progress.

It was reported that this is a federal-state partnership review of child and family services. All states are being reviewed over a four-year period, with Virginia being scheduled during the week of July 7, 2003. Results could affect the public image of Virginia's child and family programs and ultimately the amount of federal child welfare funding that Virginia receives.

The review covers Child Protective Services, Foster Care and Adoptions, and Family Preservation. Seven program outcomes will be reviewed to include safety; permanency; and child and family well-being.

Seven systemic factors that directly affect a state's capacity to deliver services leading to improved outcomes include statewide information systems; court case review systems; quality assurance systems; staff training; service array; agency responsiveness to communities, and foster and adoptive parent recruitments, licensing, and retention.

The review approach is two-fold to include a written statewide assessment and on-site review. On site reviews will be conducted in Fairfax with Bedford and Norfolk also being recommended. A total of fifty cases will be reviewed.

The federal report identifies areas in substantial conformity and needing improvement. For areas not in substantial conformity, the state must complete a Program Improvement Plan addressing areas of non-conformity; action steps and dates of completion; percentage of improvement toward national standards and benchmarks and methods for evaluation. After the Program Improvement Plan is implemented, state reports progress quarterly and is reviewed in two years.

VDSS is focused on improving child and family services throughout the Commonwealth. CFS Review provides an opportunity to assess Virginia's programs and identify areas for improvement. Results could generate legislative and regulatory changes. Stakeholders are partners with VDSS in planning and program improvements.

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Electronic Benefit Transfer (EBT) Update

Monique Henderson provided a packet of material and update on EBT. She advised that currently 35 states are participating in EBT and clients can use their cards in any participating state.

She advised EBT is safer, more secure and convenient for the client and is efficient and cost effective for the retailer.

Mr. Spadaccini questioned the \$161.63 average monthly figure. Ms. Henderson will provide further information on this figure to him.

It was reported that Citicorp is the EBT contractor, mentioning the renegotiation in October 2002 and the huge savings to Virginia.

Mr. Spadaccini questioned why it was not cost effective to include TANF on the EBT card. Ms. Henderson reported this is a small caseload and would incur a high per case cost and not be cost effective. Ms. Sheil confirmed it is more cost effective to work with local banks with direct deposits at this time.

Mr. Spadaccini confirmed that TANF and Food Stamps are tied into EBT in other states. Ms. Sheil agreed but also stated that the other states (Georgia and Florida) regret having TANF benefits on the card.

Ms. Luca confirmed that clients can check their balances prior to making a purchase.

Ms. Andrews stated that clients in her region are not doing a good job of monitoring their balances.

Mr. Brown confirmed that the EBT card could be used for paying utilities, child care, etc. in other states.

Mr. Spadaccini confirmed with Ms. Sheil that better education of the client and retailers has led to the EBT card working with little or no complications.

Recess

Thursday, February 20

Reconvene at 9:00 a.m.
Deputy Commissioner Ray Goodwin set in for Commissioner Jones who had a previous commitment.

FIND Project

James Poole from Chesapeake DSS spoke at the request of Mr. Spadaccini on the Fathers in New Direction Program that was implemented in July 1998. Mr. Poole sent regards from Director Doris Roberts.

Project Find is a fatherhood program designed to lead fathers to self sufficiency, active involvement in the lives of the children and to secure gainful employment, meet the financial obligations to their children and contribute to their physical, emotional and social development.

FIND is for eligible non-custodial fathers. The current caseload for Project FIND is 23 fathers. To date FIND has 19 full time employed fathers, 1 in training and the remaining in job search.

The average salary of Project FIND fathers is \$8.50 per hour compared to the regional average of \$6.65 by TANF working recipients.

FIND has enabled incarcerated fathers to participate in work-release programs in a timely fashion. It has also assisted fathers to get birth certificates and other necessary forms of identification needed to gain employment.

FIND has assisted their fathers in paying child support and reducing their arrearages. Mr. Poole advised this program is a “hand up” not a “hand out”.

Hanover DSS Presentation

Donna Douglas provided members with a packet of material, a CD entitled “Build Your Own Program” and copy of a national magazine where her agency was featured. A very informative presentation was provided and will be attached to the official Book of Minutes housed in Central Office.

VLSSE

President Ben Owen applauded Ms. Douglas on the job she was doing in this agency and is also in hopes she will be successful in sharing this information with other local agencies.

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Mr. Owen stated the League is also concerned over cuts that will be taken at the regional level. He wants the state to recognize that there is a great deal of expertise residing in these regional offices. They are providing training, policy clarification and other assistance to local agencies.

Mr. Owen stated that the League has developed a paper with framework that could be incorporated in the TANF reauthorization document that is sent to the federal government. Ms. Kathy Ralston will brief the Board further at the April meeting in Albemarle. A presentation will also be given on the VIEW program and efforts to lump funding. Mr. Owen will provide Ms. Rengnerth with information on these two presentations and advise the names of presenters for the April meeting.

Mr. Owen reminded members that the VLSSE Conference will be held at the Cavalier Hotel in Virginia Beach May 13-15, 2003. Material on this conference will be forwarded to the Board liaison for distribution to members.

Old Business

(Handled on Wednesday)

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ON MOTION DULY MADE (Mr. Spadaccini) and seconded (Ms. Locke) moved to approve the minutes from the December 2002 and January 2003 meetings. Motion carried with all in favor.

Future Meetings

The April 16-17 meeting will be held in Albemarle County. Ms. Rengnerth is working with Kathy Ralston-Director in Albemarle on specifics.

Mr. Spadaccini encouraged all members to contact Ms. Rengnerth and let her know where you would like to meet when the Board is in your specific areas. It is his wish, and agreed upon by Ms. Locke, to have the Eastern meeting in Hampton with a day visit/meeting in Portsmouth.

Subcommittee Reports

The Budget Report for Board Cost Center was distributed by Mr. Brown. Ms. Rengnerth can answer any questions that members may have on the material submitted.

Ms. Christopher offered her appreciation to Deputy Commissioner Jean Sheils for the work being done with the stakeholders and to her staff for bringing her up-to-speed on issues.

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Comments

Deputy Commissioner Goodwin advised he was working with Mark Johnson and Donna Douglas to build on the Strategic Agenda from last year.

He announced the Department is working on a Planning Calendar to coincide with the State Budget Process. He will talk more on this at the April Meeting.

Sam Bush thanked Commissioner Jones, Deputy Commissioner Goodwin and Richard Martin for attending the League's legislative sessions.

Rolling Agenda

TANF Reauthorization Update-April Meeting
Strategic Plan/Planning Calendar-April Meeting
Child Fatality Report-April Meeting
Clarification on FAMIS/Medicaid Cases & \$20 fee – carryover from January meeting
Budget / Layoffs
Discuss 22 VAC 705-10 in depth

Board Comments

Mr. Spadaccini thanked Hanover for its hospitality and reminded local directors if there was anything unique happening in their respective areas, to have the item listed on the meeting agenda. He also extended birthday wishes to Mamie Locke (March 19) and Pat Rengnerth (March 16).

Mr. Brown echoed thanks to Hanover for their hospitality, and noted working together and partnering with the community contributed to their success in assisting clients.

Ms. Locke noted the emphasis on partnership and collaboration is well demonstrated in this county. She thanked Hanover for their hospitality and also stated she looks forward to TANF updates and information on questions raised by Reverend Adkins on the budget allocation.

Ms. Andrews echoed other member comments on Hanover hospitality. She thanked everyone for making members feel special and important.

ON MOTION DULY MADE (Mr. Spadaccini) and seconded (Ms. Luca) moved to adjourn the meeting at 11:15 a.m. Motion carried with all in favor.

Submitted by Pat Rengnerth